

SUPREME COURT OF INDIA

Sainik Security

Vs.

Sheela Bai and Ors

S.L.P.(Civil) No.8263 of 2007

(Tarun Chatterjee and Harjit Singh Bedi JJ.)

26.02.2008

JUDGMENT

Tarun Chatterjee,J.

1. This special leave petition is filed against the final judgment and order dated 22nd of January, 2007 passed by the High Court of Judicature at Madhya Pradesh, Jabalpur Bench at Gwalior, in Miscellaneous Appeal No.784 of 2006, whereby the High Court had dismissed the application for condonation of delay in filing an appeal for a delay of 769 days.

2. We have heard the learned counsel for the parties and have also examined the impugned order as well as the application for condonation of delay in filing the appeal by the petitioner. After hearing the learned counsel for the parties and going through the averments made in the application for condonation of delay, we are of the view that the facts stated in the said application do constitute sufficient cause for condoning the delay in filing the appeal. The application for condensation of delay in filing the appeal is allowed on payment of costs of Rs.10, 000/- to the respondents within a period of three months from the date of communication of this order. In the event, the cost of Rs.10, 000/- is not paid or deposited within the time specified above, the impugned order shall stand confirmed and the application for condonation of delay shall stand rejected. On the above conditions, the impugned order stands set aside. The appeal filed by the petitioner is restored to its original file. The petition for special leave is disposed of accordingly.